Page 1 of PE 40 WN TH

I THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appresants: Guireai Liang, et al

Serial No.

10/566,235

Filed:

January 27, 2006

For:

HEXAHYDRODIAZEPINONES AS DIPEPTIDYL PEPTIDASE-IV INHIBITORS FOR THE TREATMENT

OR PREVENTION OF DIABETES

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Art Unit:	To Be Assigned
Examiner:	To Be Assigned

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- 3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of \(\) each reference.
- 4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

sy Panela Spalding pate 4-18-06

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INFORMATION DISCLOSURE STATEMENT

5 Pursuant to 3 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited

by the Office that seed application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120

are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

	RELATED APPLICATION			
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE		
10/540,283	June 20, 2005	21304YP		
10/537,476	June 3, 2005	21288YP		
10/530,215	April 4, 2005	21239YP		
10/542,694	July 19, 2005	21329YP		
10/556,805	November 14, 2005	21404P		

If this is inconvenient, additional copies will be submitted upon request.

	6. In accordance with 37 C.F.R. 1.97, (check one)
\checkmark	the attached information is filed within three months of the filing date of the captioned case.
	the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
	the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
	the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
	each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
	each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.
	no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.
	Respectfully submitted,
	Chilype & Oure to
	By: Philippe L. Durette
	Attorney For Applicant(s)
	Reg. No. 35,125
	MERCK & CO., INC.
	Patent Dept., RY60-30 P.O. Box 2000
	Rahway, N.J. 07065-0907
	(732)594- <u>4568</u>
	Date: April 18, 2006

Substitute for form 1449A/PTO	COMPLETE IF KNOWN		
INFORMATION DISCLOSURE	Application Number	10/566,235	
FREMENIC DV ADDI ICANIT	Filing Date	January 27, 2006	
FETENSENT BY APPLICANT	First Named Inventor	Gui-Bai Liang, et al	
APR (use as magy sheets as necessary)	Group Art Unit		
APA (use as many sheets as necessary)	Examiner Name		
Sheet Tanadan of 5	Attorney Docket Number	21482YP	

U.S. PATENT DOCUMENTS							
Examiner Initials*	Cite No.	U.S. Patent Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY		
	1	6,699,871 B2		Edmondson et al.	03/02/2004		
	2	6,011,155		Villhauer	01/04/2000		
	3	6,166,063		Villhauer	12/26/2000		
	4	5,939,560		Jenkins et al.	08/17/1999		
	5	6,303,661 B1		Demuth et al.	10/16/2001		
	6	6,432,969 B1		Villhauer	08/13/2002		
	7	4,386,090		Moinet et al	05/31/1983		
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Examiner	Cite	Foreign Patent Document		None of Betalte on Applicant	Date of Publication of		
Initials*	No.	Office	Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	
	8	PCT	WO 03/082817 A2		MERCK & CO., INC.	10/09/2003	
	9	PCT	WO 03/000180 A2		MERCK & CO., INC.	01/03/2003	
	10	PCT	WO 03/000181 A2		MERCK & CO., INC.	01/03/2003	
	11	PCT	WO 03/000181 A3		MERCK & CO., INC.	01/03/2003	
	12	PCT	WO 02/076450 A1		MERCK & CO., INC.	10/03/2002	
	13	PCT	WO 2004/007468 A1		MERCK & CO., INC.	01/22/2004	
	14	PCT	WO 2004/032836 A2		MERCK & CO., INC.	04/22/2004	
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	16	PCT	WO 2004/058266 A1		MERCK & CO., INC.	07/15/2004	
	17	РСТ	WO 2004/064778 A2		MERCK & CO., INC.	08/05/2004	

Examiner Signature Date Considered			
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[•] Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO	COMPLETE IF KNOWN		
INFORMATION DISCLOSURE	Application Number	10/566,235	
P STATE MENT BY APPLICANT	Filing Date	January 27, 2006	
	First Named Inventor	Gui-Bai Liang, et al	
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	FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.	Office Number Code			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY		
	18	PCT	WO 2004/069162 A2	(if known)	MERCK & CO., INC.	08/19/2004		
	19	PCT	WO 02/02560 A2		NOVO NORDISK A/S	01/10/2002		
	20	PCT	WO 01/96295 A2		NOVARTIS AG	12/20/2001		
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	23	РСТ	WO 00/34241		NOVARTIS AG	06/15/2000		
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	26	PCT	WO 97/40832		Hansknoll-Institut Fur Naturstoff-Forschung E.V.	11/06/1997		
	27	PCT	WO 03/000180 A3		MERCK & CO., INC.	01/03/2003		

Examiner Signature	Date Considered

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	INFORMATION DISCLOSURE		Application Number	10/566,235	
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U.S. PATENT DOCUMENTS						
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r	G:.		Foreign Patent Document			Date of Publication of				
Examiner Initials*	Cite No.	Office	Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY				
	28	PCT	WO 02/02560	A3	NOVO NORDISK	01/10/2002				
	29	PCT	WO 01/42262		AKZO NOBEL N.V.	06/14/2001				
	30	PCT	WO 2004/043940		MERCK & CO., INC.	05/27/2004				
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	35	РСТ	WO 2005/011581	A2	MERCK & CO., INC.	02/10/2005				
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	37	PCT	WO 2005/002530	A2	SMITHKLINE BEECHAM CORP.	01/09/2003				

[•] Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Date Considered

Examiner Signature

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INFORMATION DISCLOSURE				Application Number	10/566,235		
	NOTE A CONTRACTOR ASSESSMENT TO THE	· . To	DI ICANIT	Filing Date	January 27, 2006		
	STATEMENT BY	AP	PLICANI	First Named Inventor	Gui-Bai Liang, et al		
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Sheet	4	of	5	Attorney Docket Number	21482YP		

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	-	•	FOREIC	N PATENT	T DOCUMENTS	
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	41	PCT	WO 2005/116029	A1	MERCK & CO., INC.	12/08/2005
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Signature Considered

^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449B/PTO				COMPLETE IF KNOWN			
	NFORMATION :	DIS	CLOSURE	Application Number	10/566,235		
C		. A TD	DI ICANT	Filing Date	January 27, 2006		
3	TATEMENT BY	AP	PLICANI	First Named Inventor	Gui-Bai Liang, et al		
			,	Group Art Unit			
	(use as many sheets	s as n	ecessary)	Examiner Name			
Sheet	5	of	, 5	Attorney Docket Number	21482YP		

		NON PATENT LITERATURE DOCUMENTS
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	43	J. J. Holst, "Treatment of Type 2 Diabetes Mellitus with Agonists of the GLP-1 Receptor or DPP-IV Inhibitors", Expert Opin. Emerg. Drugs, Vol. 9(1) pp. 155-166(2004).
	44	C. F. Deacon, et al., "Inhibitors of dipeptidyl peptidase IV: A Novel Approach for the Prevention and Treatment of Type 2 Diabetes?", Expert Opin. Investig. Drugs, Vol. 13(9) pp. 1091-1102(2004).
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	51	J. J. Holst and C. F. Deacon, "Glucagon-like peptide 1 and inhibitors of dipeptidyl peptidase IV in the treatment of type 2 diabetes mellitus", Curr. Opin Pharmacology, Vol. 4, pp. 589-596 (2004).
	52	C. F. Deacon, "Perspectives in Diabetes - Therapeutic Strategies Based on Glucagon-Like Peptide 1", Diabetes, Vol. 53, pp. 2181-2189 (2004).
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